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July 5, 2022

Via Electronic Filing Only

Honorable Leda D. Wettre, U.S.M.J.
United States District Court
District of New Jersey
M.L. King, Jr. Federal Building and United States Courthouse
50 Walnut Street
Newark, New Jersey 07102

*Re: Nijeer Parks v. John E. McCormac, et al.
Civil Action No. 2:21-cv-04021-JXN-LDW*

Dear Judge Wettre:

As Your Honor is aware, this firm represents the interests of Defendants, John E. McCormac, (improperly plead as John E. McCormack), Mayor of Woodbridge, Robert Hubner, Director of the Woodbridge Police, Township of Woodbridge, City of Woodbridge Police Officer Andrew Lyszk and Woodbridge Police Sergeant Joseph Liccardi with respect to the above-referenced matter. Kindly accept this correspondence to serve as a Joint Status Letter in anticipation of the Thursday, July 07, 2022 telephone conference.

Plaintiff's deposition was recently taken on Thursday, June 30, 2022. The depositions of Detective Jorge Quesada and Police Officer Andrew Lyszk were scheduled for Tuesday, July 05, 2022. However, due to Mr. Sexton's unfortunate family emergency, the depositions were adjourned and are going to be re-scheduled together with the depositions of Detective Santiago Tapia and Officer Lee for later this month. Moreover, the depositions of these witnesses were originally scheduled and the adjourned by my office in early June because I was out for two weeks with a severe case of COVID-19.

The outstanding discovery issues involve the Township of Woodbridge Monell discovery where we require this Court's intervention in this regard. Plaintiff's Counsel originally sought an exhaustive list of any and all bias and/or demeanor complaints from January 2016 until January 2021. Moreover, the Plaintiff is seeking any and all excessive force or false arrest complaints from January 26, 2016 until January 26, 2021.

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Furthermore, Plaintiff seeks an account of all claims made against the Woodbridge Police Department alleging anti-black bias from January 26, 2009 until January 01, 2021. Finally, Plaintiff seeks all claims made against the Woodbridge Police Department asserting Monell liability from January 26, 2009 until January 01, 2020. The Woodbridge Defendants would consent to five (5) years prior to the date of incident, January 26, 2019, with respect to the bias or demeanor complaints, excessive force or false arrest complaints, claims of anti-black bias and a log of all Monell liability claims for the same period of time. Plaintiff is seeking this discovery for a period after the January 26, 2019 incident.

Finally, the Defendant is seeking the disciplinary history of Detective Tapia, Sergeant Liccardi, Officer Lyszk, Officer Pennacaro, Officer Medalla, and Officer Anderson together with a copy of their respective personnel files, internal affairs files, and academy files for each of these individuals. It is the Woodbridge Defendants' position that since the only parties named in this litigation are Officer Lyszk and Sergeant Liccardi, and Plaintiff has agreed to enter into a Voluntary Stipulation of Settlement as to Sergeant Liccardi, that Plaintiff is not entitled to this discovery for any non-party to this litigation.

As to Defendant, Middlesex County Department of Corrections, there is outstanding discovery as to the Monell. Defendant is preparing more specific answers and reviewing archives to cull the requested documentation. Depositions of Captain Robert Grover on behalf of Middlesex County Department of Corrections and Officer P. were scheduled for June 30, 2022 and adjourned due to the federal holiday. These depositions are going to be rescheduled.

Thank you for Your Honor's kind attention to this matter.

Respectfully Submitted,

/s/ Fredrick L. Rubenstein

Fredrick L. Rubenstein

FLR:jn

cc: Daniel. W. Sexton, Esq.
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